

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

| | | |
|-----------------|---|--------------------------|
| ERNEST HUBBARD, |) | |
| |) | |
| Plaintiff |) | |
| |) | CAUSE NO. 3:04-CV-252 RM |
| v. |) | |
| |) | |
| JOHN VANNATTA, |) | |
| |) | |
| Defendant |) | |

OPINION AND ORDER

Ernest Hubbard, a *pro se* plaintiff, was granted leave to conduct discovery, and granted until June 10, 2005 in which to file an amended complaint which names a proper defendant. Mr. Hubbard has not filed an amended complaint. Accordingly, pursuant to FED. R. CIV. P. 41(b), this complaint is dismissed. The court notes that the complaint is dismissed without consideration of the Motion to Dismiss filed by the defendant.

SO ORDERED.

ENTERED: July 11, 2005

/s/ Robert L. Miller, Jr.
Chief Judge
United States District Court